

Cousins	Morris
Crawford	Parrish
Hardeman	Phillips
Harris	Proffer
Hazlewood	Ramsey
Jones	Stanford
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Vick

Absent

Chadick	Moffett
Knight	Tynan

Absent—Excused

Mauritz	Winfield
Weinert	York

Adjournment

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—13

Hardeman	Proffer
Harris	Ramsey
Jones	Stanford
Kelly of Tarrant	Strauss
Knight	Taylor
Lane	Vick
Moffett	

Nays—12

Aikin	Crawford
Brown	Hazlewood
Bullock	Kelley of Hidalgo
Carney	Morris
Chadick	Parrish
Cousins	Phillips

Absent

Tynan

Absent—Excused

Mauritz	Winfield
Weinert	York

The Senate, accordingly, at 4:20 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

FORTY-FOURTH DAY

(Tuesday, April 1, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	York
Knight	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Lane, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Weinert was granted leave of absence for today on account of illness in his family on motion of Senator Lane.

Reports of Standing Committees

Senator Carney submitted the following reports:

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 423, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

April 1, 1947.
Austin, Texas,

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 368, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 224, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 128, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 268, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 340, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 367, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 366, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 360, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 267, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 389, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Vick submitted the following reports:

Austin, Texas,
March 31, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill No. 195, have had the same under consideration, and I am instructed to report it back to the Senate with

recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 31, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill No. 348, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

VICK, Chairman.

Senate Bill 378 on First Reading

Senator Vick moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	York
Kelly of Tarrant	Vick
Knight	

Absent

Winfield

Absent—Excused

Mauritz Weinert

The following bill then was introduced, read first time and referred to the Committee on Criminal Jurisprudence:

S. B. No. 378, A bill to be entitled "An Act to amend Article 1058, Code of Criminal Procedure, providing that bailiffs shall receive the sum of Five (\$5.00) Dollars per day compensation for their services; and declaring an emergency."

Motion to Set Senate Bill 56 as Special Order

Senator Strauss moved that Sen-

ate Bill No. 56 be set as a special order for Monday, April 7, 1947, immediately following the morning call.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—14

Chadick	Moffett
Cousins	Parrish
Crawford	Phillips
Harris	Proffer
Hazlewood	Strauss
Knight	Vick
Lane	York

Nays—11

Aikin	Morris
Bullock	Ramsey
Carney	Stanford
Hardeman	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Absent

Brown Winfield
Jones

Absent—Excused

Mauritz Weinert

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 31, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 250, A bill to be entitled "An Act to appropriate funds to the State Department of Agriculture for the purpose of carrying out the provisions of the certain prior Acts of the Legislature, such funds to be appropriated for the remainder of the fiscal year ending August 31, 1947, and being supplementary to the appropriation granted by Senate Bill No. 317, Acts of the 49th Legislature, Regular Session; and declaring an emergency," with amendments.

H. B. No. 511, A bill to be entitled "An Act amending Section 17 of Chapter 126 of the Acts of the Regular Session of the 44th Legislature as amended by Chapter 505 of the Acts of the Third Called Session of

the 44th Legislature as amended by Chapter 170 of the Acts of the Regular Session of the 48th Legislature; amending Section 17A of Chapter 126 of the Acts of the Regular Session of the 44th Legislature, as amended by Chapter 505 of the Acts of the Third Called Session of the 44th Legislature as amended by Senate Bill No. 493, Acts of the Regular Session of the 46th Legislature as amended by Chapter 174 of the Acts of the Regular Session of the 47th Legislature as amended by Chapter 170 of the Acts of the Regular Session of the 48th Legislature; amending Section 18 of Chapter 126 of the Acts of the Regular Session of the 44th Legislature; making an appropriation out of funds donated and granted the Upper Colorado River Authority for administrative expenses of said Authority and declaring an emergency."

H. B. No. 168, A bill to be entitled "An Act to carry into effect Section 62a of Article 16 of the Constitution; to provide a Retirement System for aged and incapacitated State employees; to provide for a Board of Trustees of said System and for the administration of its affairs; to determine membership and conditions of membership in said System; to provide for officers and a Medical Board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribution of the Employees Saving Fund, the State Membership Accumulation Fund, the Membership Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, the Prior Service Annuity Reserve Fund and the Expense Fund; and to provide a method of financing said System."

H. B. No. 105, To declare it to be against the public policy of the State of Texas for any official or group of officials of the State, or of a County, City, Municipality or any other political subdivision of the State to enter into a collective bargaining agreement with any labor organization respecting the wages, hours, or conditions of employment of public employees; etc., and declaring an emergency.

S. C. R. No. 21, Relating to Joint

Committee to investigate controversy at A. & M. College.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 250 with House Amendments

Senator Kelley of Hidalgo called S. B. No. 250 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	York
Knight	

Absent

Winfield

Absent—Excused

Mauritz

Weinert

Senate Bill 81 on Passage to Engrossment

The President pro tempore laid before the Senate as unfinished business on its passage to engrossment:

S. B. No. 81, A bill to be entitled "An Act to amend Section 1(g), Section 3, Section 7, Section 17 and Section 18 of Article 911b, Revised Civil Statutes of Texas, 1925, Acts 1931, 42nd Legislature, Chapter 277, as amended, to enlarge the definition of the term "motor carrier" to include the transportation of motor vehicles on their own power or by the tow-bar, saddle mount, full mount or other similar method; to grant

"grandfather" certificates of convenience and necessity or permits of persons engaged in such type of transportation on the 1st day of January, 1946, and who have been continuously engaged in good faith in such business since said date; providing for the filing of applications therefor within thirty (30) days from the effective date of this Act; providing for the payment of annual fees by such carriers; making it unlawful for motor carriers to operate certain vehicles without there being attached to and displayed on such vehicles identification plates furnished by the Commission and excepting certain vehicles from such requirements; fixing the fee for such plates; and declaring an emergency."

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Pending an address by Senator Harris on the question, shall the bill (S. B. No. 81) be passed to engrossment, Senator Kelly of Tarrant asked permission to address the Senate on a question of personal privilege.

Senator Harris agreed to yield the floor temporarily to permit the address by Senator Kelly on a question of personal privilege.

Senator Morris objected to Senator Harris yielding the floor temporarily and raised the point of order that he (Senator Harris) would lose the floor if he yielded it to permit the address by Senator Kelly of Tarrant.

The President pro tempore sustained the point of order.

Question—Shall the bill be passed to engrossment?

Concert by A Cappella Choir of Bryan High School

At 11:00 o'clock a. m., the President pro tempore announced the arrival of the hour heretofore set by the Senate for hearing a concert by the A Cappella Choir of the Stephen F. Austin High School of Bryan, Texas.

At the request of Senator York, members of the choir assembled in the Senate Chamber to the left of the President's rostrum.

The choir and its director, Mr. Claude Guthrie, were presented to the Senate by Senator York.

The choir rendered a program of songs under the direction of Mr. Guthrie.

At the conclusion of the concert, Senator York thanked the choir, on the part of the Senate, and presented to the choir and to the Senate, Governor Beauford H. Jester.

Governor Jester then addressed the choir and the Senate briefly.

At Ease

On motion of Senator York, the Senate at 11:30 o'clock a. m., stood at ease subject to the call of the Chair.

In Legislative Session

At 11:35 o'clock a. m. the President called the Senate to order.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 68, Correcting form of House Bill No. 46.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time.

Austin, Texas,
April 1, 1947.
Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Education, to whom was referred House Bill No. 605, instructs me to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Senate Resolution 65

(To provide for delegate to Constables' Convention.)

Senator Lane offered the following resolution:

Whereas, There is being held at this

time a convention for the Constables' Association of Texas, and,

Whereas, This Association represents the strong arm of law enforcement in Texas, and should be recognized by the Senate of Texas by this body sending a representative to such meeting, and,

Whereas, The Honorable Ben Ramsey is peculiarly fitted for this mission, therefore, be it

Resolved by the Senate of Texas that Senator Ramsey be instructed to attend said Association meeting to represent the Senate and contribute to the well being and best interest of this organization.

The resolution was read.

Senator Lane asked unanimous consent to consider the resolution immediately.

The President announced that there was objection.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. C. R. No. 49, Authorizing the Board of Control to convey an easement to certain land in Williamson County to the State of Texas for the right-of-way and drainage channel purposes.

H. C. R. No. 45, Granting permission to L. M. Sides of Beeville, Texas, to sue the State of Texas.

S. B. No. 250, A bill to be entitled "An Act to appropriate funds to the State Department of Agriculture for the purpose of carrying out the provisions of the certain prior Acts of the Legislature, such funds to be appropriated for the remainder of the fiscal year ending August 31, 1947, and being supplementary to the appropriation granted by Senate Bill No. 317, Acts of the 49th Legislature, Regular Session; and declaring an emergency."

S. B. No. 76, An Act amending Chapter 509, Acts of the 47th Legislature, Regular Session of 1941, relating to the acquisition of and payment for causeways and bridges by certain counties in Texas, so as to eliminate certain restrictions as to the location of such causeways and

bridges; and declaring an emergency. With amendments.

H. B. No. 63, A bill to be entitled "An Act creating a special fund to be known as the Police Officers' Pension System, etc., and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act to amend Subsection 25 of Article 1995, Revised Civil Statutes; and declaring an emergency."

House Bills on First Reading

The following House bills received from the House today were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 105, to Committee on Labor.

H. B. No. 511, to Committee on State Affairs.

H. B. No. 168, to Committee on State Affairs.

Senate Bill 81 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Senate Bill No. 81, on its passage to engrossment.

Pending consideration of the bill, Senator Taylor occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the bill be passed to engrossment?

Recess

On motion of Senator Aikin, the Senate, at 12:15 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

Leaves of Absence Granted

On motion of Senator Stanford, and by unanimous consent, Senator Kelley of Hidalgo was granted leave of absence for this afternoon on account of illness.

On motion of Senator Lane, and by unanimous consent, Senator Strauss was granted leave of absence for this afternoon on account of important business.

(Senator Taylor in the Chair.)

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill 298, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 474, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 411, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CARNEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred Senate Bill No. 378, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 31, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred Senate Bill No. 372, instructs me to report it back to the Senate with the recommendation that it do pass, as amended, and be mimeographed.

TAYLOR, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Finance, to whom was referred Senate Bill No. 374, instructs me to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Education, to whom was referred Senate Bill No. 316, instructs me to report it back to the Senate with the recommendation that it do pass and be mimeographed.

BULLOCK, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred Senate Bill No. 174, instructs me to report it back to the Senate with the recommendation that it do pass and be printed.

RAMSEY, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred House Bill No. 355, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred Senate Bill No. 350, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, you Committee on Public Debts, Claims and Accounts, to whom was referred House Bill No. 322, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Senate Bill 81 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Senate Bill No. 81, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Lane raised a point of order against further consideration of the bill on the ground that there was not a quorum present.

The Presiding Officer directed the Secretary to call the roll.

The roll was called and the following Senators answered to their names:

Aikin	Kelly of Tarrant
Brown	Knight
Carney	Lane
Chadick	Morris
Cousins	Parrish
Crawford	Proffer
Hardeman	Stanford
Harris	Taylor
Hazlewood	Vick
Jones	

The Presiding Officer announced that there was not a quorum present.

Motions to Adjourn

Senator Knight moved that the Senate adjourn until 12:30 o'clock p. m., tomorrow.

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Question first recurring on the motion of Senator Knight, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—6

Hardeman	Lane
Kelly of Tarrant	Proffer
Knight	Taylor

Nays—12

Aikin	Hazlewood
Brown	Jones
Carney	Morris
Cousins	Parrish
Crawford	Stanford
Harris	Vick

Absent

Bullock	Ramsey
Moffett	Tynan
Phillips	York

Absent—Excused

Kelley of Hidalgo	Strauss
Mauritz	Weinert

Paired

Senator Chadick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Question next recurring on the motion of Senator Lane, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—6

Hardeman	Lane
Harris	Moffett
Kelly of Tarrant	Taylor

Nays—17

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stanford
Hazlewood	Tynan
Jones	Vick
Knight	

Absent

York

Absent—Excused

Kelley of Hidalgo	Strauss
Mauritz	Weinert

Paired

Senator Chadick (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

(Senator Aikin in the Chair.)

Senate Bill No. 81 was then passed to engrossment.

Senate Bill 81 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Brown	Moffett
Bullock	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Knight	

Absent

Carney	York
Winfield	

Absent—Excused

Kelly of Tarrant	Strauss
Mauritz	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following resolutions:

H. J. R. No. 9, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

H. J. R. No. 13, A joint resolution amending Section 15 of Article XVI of the Constitution of the State of Texas, by adding thereto a provision that the husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests all or any part of their community property, whereupon without prejudice to the right of existing creditors the portion or interest set aside to each spouse shall be and constitute a part of the separate property of such spouse; further providing that such Constitutional Amendment if adopted shall be self-operative and self-executing; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this Amendment.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Motion to Reconsider Vote on Senate Bill 110

Senator Hardeman moved to reconsider the vote by which Senate Bill No. 110 failed to pass to engrossment on yesterday, and asked to have the motion to reconsider spread on the Journal.

Senate Bill 10 on Second Reading

The Presiding Officer laid before

the Senate on its second reading and passage to engrossment:

S. B. No. 10, A bill to be entitled "An Act to protect the right to enter into sales contracts relating to commodities bearing the trade-mark, brand or name of its producer or owner to protect producers or owners, distributors, dealers and the general public against injurious practices in the sale and resale of commodities of standard quality under distinguished trade-marks, brands and names; and to facilitate fair practices in the sale of commodities which are in fair and open competition with commodities of the same general class; defining and making unfair competition actionable at the suit of a person damaged thereby, and declaring an emergency."

The bill was read second time.

Senator Morris offered the following committee amendment to the bill:

Amend Senate Bill 10 by striking out all above the enacting clause and inserting in lieu thereof the following:

An Act to protect trade-mark owners, labels, brands, names of producers, owners of commodities which bear the trade-mark, brand, or name of the producer or owner of such commodities against injurious practices and the sale and resale of such commodities and to facilitate fair practices in the sale of commodities which are in fair and open competition with commodities of the same general class; providing that contracts relating to the sale or resale of such commodities shall not be in violation of any law of the State of Texas by reason of provisions which may be contained in contracts stipulating the minimum price at which such commodities may be sold or resold, providing that such contracts shall not apply to sales under certain conditions; providing that this Act shall not apply to contracts between producers or between wholesalers or between retailers as to sale or resale prices; providing that wilfully and knowingly advertising, offering for sale, or selling commodities in violation of such contracts by a party whether or not a party to such contract is actionable at the suit of any person damaged thereby; providing a savings clause that if any part of the Act is unconstitutional the re-

mainder shall not be affected; repealing all Acts or parts of Acts inconsistent with this Act to the extent of such inconsistency; and declaring an emergency.

The amendment was adopted.

(President in the Chair.)

Senator Harris offered the following amendment to the bill:

Amend S. B. No. 10 by striking out Section 5 and inserting in lieu thereof a new Section 5, reading as follows:

"Section 5. Nothing in this Act shall amend, suspend, repeal, change or alter any of the laws of this State defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19 of the Penal Code of Texas and Title 126, Revised Civil Statutes of Texas of 1925; and if any provision of this Act be in contravention of or conflict with any provision or portion of Chapter 3, Title 19 of the Penal Code or Title 126, Revised Civil Statutes of Texas of 1925, then such provision or provisions of this Act shall be null and void and of no force or effect."

And amend the caption to conform.

(Senator Vick in the Chair.)

Senator Morris moved to table the amendment.

(President in the Chair.)

The motion to table prevailed by the following vote:

Yeas—13

Brown	Morris
Bullock	Phillips
Carney	Ramsey
Cousins	Stanford
Crawford	Tynan
Hazlewood	York
Knight	

Nays—10

Hardeman	Moffett
Harris	Parrish
Jones	Proffer
Kelly of Tarrant	Taylor
Lane	Vick

Absent—Excused

Kelley of Hidalgo	Weinert
Mauritz	

Paired

Senator Aikin (present), who would vote "nay" with Senator Strauss (absent), who would vote "yea."

Senator Chadick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

(Senator Aikin in the Chair.)

Senator Harris offered the following amendment to the bill:

Amend S. B. 10 by striking out the colon on line 26 and insert a comma and add the following: "provided however, that no contract entered into between one manufacturer and one retailer shall be binding on any other retailer."

(President in the Chair.)

Senator Morris moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—11

Brown	Phillips
Bullock	Ramsey
Carney	Stanford
Crawford	Tynan
Hazlewood	York
Morris	

Nays—12

Cousins	Lane
Hardeman	Moffett
Harris	Parrish
Jones	Proffer
Kelly of Tarrant	Taylor
Knight	Vick

Absent—Excused

Kelley of Hidalgo	Weinert
Mauritz	

Paired

Senator Chadick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Senator Aikin (present), who would vote "nay" with Senator Strauss (absent), who would vote "yea."

Question recurring on the amendment, it was adopted.

Senator Hardeman offered the following amendment:

Amend S. B. No. 10 by adding a new section to be known as Sec. 3a, providing as follows:

Sec. 3a. "It is hereby declared unlawful for any person to misrepresent any article affected by the provisions hereinabove offered for sale by any business operated in this State, as to contents or percentage in relation to constituent materials, weight or purity, and upon conviction he shall be deemed guilty of a misdemeanor and shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00)."

And to amend the caption to conform.

The amendment was adopted.

Motion to Adjourn

Senator Moffett moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—10

Hardeman	Moffett
Harris	Parrish
Jones	Proffer
Kelly of Tarrant	Taylor
Lane	Tynan

Nays—14

Aikin	Knight
Brown	Morris
Bullock	Phillips
Carney	Ramsey
Cousins	Stanford
Crawford	Vick
Hazlewood	York

Absent

Chadick	Winfield
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Absent—Excused

Kelley of Hidalgo	Strauss
Mauritz	Weinert

Senator Taylor moved to reconsider the vote by which the amendment by Senator Harris, amending line 26 of the printed bill, was adopted.

The motion prevailed.

Question—Shall the amendment be adopted?

Senator Harris then withdrew the amendment.

Senator Taylor offered the following amendment to the bill:

Amend Senate Bill 10, Section 3, by striking out the word "whether" and inserting in lieu thereof the word "if" and by striking out the words "or is not" immediately preceding the words "a party to such contract,"

The amendment was adopted.

Senator Taylor offered the following amendment to the bill:

Amend S. B. No. 10, Section 1, by inserting immediately after the words "produced by others," on line 24 of the printed bill the words "other than medicines and drugs designed for human consumption," and amend the caption to conform.

Senator Morris moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Aikin	Morris
Brown	Phillips
Bullock	Ramsey
Carney	Stanford
Cousins	Tynan
Crawford	Vick
Hazlewood	York
Knight	

Nays—9

Hardeman	Moffett
Harris	Parrish
Jones	Proffer
Kelly of Tarrant	Taylor
Lane	

Absent—Excused

Kelley of Hidalgo	Strauss
Mauritz	Weinert

Paired

Senator Chadick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend S. B. No. 10, Section 1, by striking out the periods at the end of subsections 1 and 2 and adding to subsection 1 and also to Section 2 the following words: "to persons other than to members of the Armed Forces

of these United States, or former members thereof, persons who are receiving old age assistance from the State, or persons employed by the Public Free School System of this State," and amend the caption to conform.

Senator Morris moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Aikin	Morris
Brown	Phillips
Bullock	Ramsey
Carney	Stanford
Cousins	Tynan
Crawford	Vick
Hazlewood	York
Knight	

Nays—9

Hardeman	Moffett
Harris	Parrish
Jones	Proffer
Kelly of Tarrant	Taylor
Lane	

Absent—Excused

Kelley of Hidalgo	Strauss
Mauritz	Weinert

Paired

Senator Chadick (present), who would vote "yea" with Senator Winfield (absent), who would vote "nay."

Senator Lane offered the following amendment to the bill:

Amend Senate Bill 10 by adding thereto a new section to be known as Section 1 (a) and reading as follows:

"Section 1 (a). Any contract containing any of the provisions mentioned in Section 1 hereof shall be void unless it contains a valid and binding obligation on the part of the Seller that the Seller will not make any sales or deliveries for resale in Texas, or permit any sales or deliveries for resale in Texas, of the product involved in the contract, except at the same unit price to all purchasers.

"Any violation of such provision shall be actionable at law or equity at the suit of anyone damaged thereby, whether such party is or is not a party to such contract."

And amend the caption to conform.

On motion of Senator Morris, the amendment was tabled.

Record of Vote

Senator Harris asked to be recorded as voting "nay" on the motion to table.

Senate Bill No. 10 was then passed to engrossment.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 69, Recalling House Bill No. 29 from the Governor for correction.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Committee to Investigate Student Activities at A. and M. College

In accordance with the provisions of S. C. R. No. 21, the President announced the appointment of the following Senators on the part of the Senate:

Senator Harris, Chairman; Senators Hardeman, Tynan, Moffett and Ramsey.

House Concurrent Resolution 69

The President laid before the Senate for consideration at this time:

H. C. R. No. 69, Recalling House Bill No. 29 from the Governor's office.

The resolution was read.

On motion of Senator Harris, and by unanimous consent, the resolution was considered immediately and was adopted.

Conference Committee on Senate Joint Resolution 4

The President announced the appointment of the following conferees on the part of the Senate, on S. J. R. No. 4:

Senators Kelly of Tarrant, Aikin, Proffer, Parrish and York.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 1, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 40, A bill to be entitled "An Act to define and regulate the practice of Chiropractic, to create the Texas Board of Chiropractic Examiners, prescribing its qualifications, powers and duties; to provide for the registration, examination and re-examination of applicants and the issuance of licenses and certificates; to provide the qualifications of applicants; to provide for the granting of licenses by reciprocity; to provide that the District Clerk of each county shall keep a record; to make it unlawful to practice without annual registration; to exempt chiropractors by amending Article 740 of the Penal Code and Article 4504, Revised Civil Statutes, Texas; to amend Article 741 of the Penal Code and Article 4510 of the Revised Civil Statutes of Texas; to provide fees for the payment of expenses of the Board and for the disbursement thereof; to provide for the revocation or supervision of licenses to practice Chiropractic and for the enforcement of this Act; to fix penalties for the violation of this Act; to provide for a seal to be used by the Board; to repeal all laws in conflict; to provide that if any part is held unconstitutional it shall not invalidate any other part; and to declare an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Messages from the Governor

The following messages received from the Governor today, were laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 1, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and con-

firmation of the Senate with respect to the following appointments:

To be members of the Board of Directors for the Texas State University for Negroes:

Dr. W. R. Banks of Prairie View, Waller County, for six year term to expire February 1, 1953;

Craig Cullinan of Houston, Harris County, for six year term to expire February 1, 1953;

Dr. J. N. R. Score of Georgetown, Williamson County, for six year term to expire February 1, 1953;

Major T. Bell of Beaumont, Jefferson County, for four year term to expire February 1, 1951;

Dr. M. L. Edwards of Hawkins, Wood County, for four year term to expire February 1, 1951;

Ben Morgan of Corsicana, Navarro County, for four year term to expire February 1, 1951;

J. K. Brim of Sulphur Springs, Hopkins County, for two year term to expire February 1, 1949;

Charles Devall of Kilgore, Gregg County, for two year term to expire February 1, 1949;

Rev. I. B. Loud of San Antonio, Bexar County, for two year term to expire February 1, 1949.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
April 1, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Chairman of the Board of Mansion Supervisors, for term ending January 1, 1948:

Mrs. George B. Butler of Austin, Travis County.

To be member of the Board of Mansion Supervisors for term ending January 1, 1950:

Mrs. O. H. Davenport of Starr County.

To be member of the Board of Mansion Supervisors for term ending January 1, 1952:

Mrs. Ouida Ferguson Nalle of Austin, Travis County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof the following resolution:

S. C. R. No. 21, Relating to investigation of student activities at A. and M. College.

House Joint Resolutions on First Reading

The following Joint Resolutions received from the House today were laid before the Senate, read first time and referred to the Committee on Constitutional Amendments:

House Joint Resolution No. 9.

House Joint Resolution No. 13.

Senate Resolution 66

Senator Cousins offered the following resolution:

Whereas, Honorable Price Daniel, Attorney General of Texas, is in the gallery, and

Whereas, He is entitled to the privileges of the floor by reason of his election to the high office of Attorney General of Texas, now therefore be it

Resolved by the Senate of the State of Texas that he be invited to come down and observe the proceedings from within the bar of the Senate.

The resolution was read.

On motion of Senator Cousins, and by unanimous consent, the resolution was considered immediately and was adopted.

Adjournment

On motion of Senator Hardeman, the Senate at 6:45 o'clock p. m., adjourned until 10:30 o'clock a. m. to

FORTY-FIFTH DAY

(Wednesday, April 2, 1947)

The Senate met at 10:30 o'clock